

1 JOHN J. POWERS (State Bar No. 145623)  
2 BENJAMIN J. HOLL (State Bar No. 200630)  
3 DRINKER BIDDLE & REATH LLP  
4 50 Fremont Street, 20th Floor  
5 San Francisco, CA 94105-2235  
6 Telephone: (415) 591-7500  
7 Facsimile: (415) 591-7510  
8 Email: john.powers@dbr.com  
9 benjamin.holl@dbr.com

10 Attorneys for Defendants  
11 JOHNSON & JOHNSON; ORTHO-MCNEIL-  
12 JANSSEN PHARMACEUTICALS, INC.;  
13 JOHNSON & JOHNSON PHARMACEUTICAL  
14 RESEARCH & DEVELOPMENT, LLC

15 UNITED STATES DISTRICT COURT  
16 NORTHERN DISTRICT OF CALIFORNIA  
17 OAKLAND DIVISION

18 KIM CHANNING on behalf of herself as  
19 an heir at law of ELGA IDA HINDIN and  
20 as Executor of the Estate and/or Successor  
21 in Interest of ELGA IDA HINDIN;  
22 JENNIFER LYNN RICHARDS;  
23 JEFFFREY PAUL HINDIN and  
24 GERALDINE G. HINDIN,

25 Plaintiffs,

26 v.

27 JOHNSON & JOHNSON; ORTHO-  
28 MCNEIL PHARMACEUTICAL, INC.;  
JOHNSON & JOHNSON  
PHARMACEUTICAL RESEARCH  
DEVELOPMENT, LLC,

Defendants.

Case No. CV 08 2913 SBA

**STIPULATION TO STAY PROCEEDINGS  
PENDING FINAL MDL TRANSFER  
DETERMINATION; [PROPOSED] ORDER**

**STIPULATION**

Pursuant to Fed. R. Civ. P. 6(b), Plaintiffs Kim Channing, Jennifer Lynn Richards, Jeffrey Paul Hinin and Geraldine G. Hindon (collectively, "Plaintiffs") and defendants Johnson &

1 Johnson, Ortho-McNeil-Janssen Pharmaceuticals, Inc. (named in this action as Ortho-McNeil  
2 Pharmaceutical, Inc.), and Johnson & Johnson Pharmaceutical Research and Development, LLC  
3 (collectively, "Defendants") stipulate to stay all proceedings in this action, pending the final  
4 determination of the Judicial Panel on Multidistrict Litigation ("JPML") regarding transfer of this  
5 case to MDL No. 1943: *In re Levaquin Products Liability Litigation*.  
6

7 In support of this stipulation, the parties state:

8 1. Plaintiffs filed this action in this Court on June 11, 2008. In the Complaint,  
9 Plaintiffs allege that Elga Ida Hindin was injured and died as a result of ingesting the prescription  
10 drug, Levaquin®.

11 2. Plaintiffs in other jurisdictions have also filed cases against Defendants alleging  
12 injury as a result of ingesting Levaquin®.

13 3. In June 2008, the JPML established a transferee court for cases alleging injuries  
14 from Levaquin use (the "Levaquin MDL") and began transferring such cases to the United States  
15 District Court for the District of Minnesota for consolidated pretrial proceedings pursuant to 28  
16 U.S. C. § 1407.

17 4. On August 22, 2008, Defendants filed a Notice of Potential Tagalong Action with  
18 the JPML, requesting that this action be included in the Levaquin MDL and thereby transferred to  
19 the District of Minnesota.  
20

21 5. The JPML will shortly issue a conditional transfer order transferring this case to  
22 the Levaquin MDL. Although Rule 7.4(c) of the Rules of Procedure of the JPML provides a  
23 fifteen-day period in which any party may object to transfer of the action, both Plaintiffs and  
24 Defendants in this case agree that transfer is appropriate. The case is therefore likely to be  
25 transferred to the Levaquin MDL in the District of Minnesota in September.  
26

27 6. The Initial Case Management Conference is currently scheduled in this matter for  
28

1 October 2, 2008. The last day for the parties to: (a) meet and confer regarding initial disclosures,  
2 early settlement, ADR process selection, and a discovery plan; (b) file an ADR Certification; and  
3 (c) file a Stipulation to ADR Process or Notice of Need for ADR Phone Conference is August 27,  
4 2008. The last day for the parties to file Rule 26(f) Reports and complete their initial disclosures  
5 is September 10, 2008. However, if the case is transferred, all pretrial issues will be governed by  
6 scheduling orders entered by the Honorable John R. Tunheim, who presides over the Levaquin  
7 MDL. To promote uniformity and judicial economy, proceedings in this action, including the  
8 August 27, 2008 and September 10, 2008 deadlines, and the Initial Case Management Conference  
9 scheduled for October 2, 2008, should be stayed pending transfer to the Levaquin MDL.  
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11 7. The parties hereby stipulate that all proceedings in this action be stayed pending  
12 transfer to the Levaquin MDL.  
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1 Dated: August 27, 2008

Respectfully submitted,

2 DRINKER BIDDLE & REATH LLP

3  
4 By: /s/ Benjamin J. Holl

5 JOHN J. POWERS (SBN 145623)  
6 BENJAMIN J. HOLL (SBN 200630)

7 DRINKER BIDDLE & REATH LLP  
8 50 Fremont Street, 20th Floor  
9 San Francisco, CA 94105-2235  
10 Telephone: (415) 591-7500  
11 Facsimile: (415) 591-7510  
12 Email: john.powers@dbr.com  
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14 Attorneys for Defendants  
15 JOHNSON & JOHNSON; ORTHO-  
16 MCNEIL-JANSSEN  
17 PHARMACEUTICALS, INC.; JOHNSON  
18 & JOHNSON PHARMACEUTICAL  
19 RESEARCH & DEVELOPMENT, LLC

20 Dated: August 27, 2008

Respectfully submitted,

21 McNULTY LAW FIRM

22 By: /s/ Brett Lee Rosenthal

23 BRETT LEE ROSENTHAL

24 McNULTY LAW FIRM  
25 827 Moraga Drive  
26 Bel Air, California 90049  
27 Telephone: (310) 471-2707  
28 Facsimile: (310) 472-7014  
Email: Brett@mcnultylaw.com

Attorneys for Plaintiffs  
KIM CHANNING, JENNIFER LYNN  
RICHARDS, JEFFREY PAUL HININ and  
GERALDINE G. HINDON

**[PROPOSED] ORDER**

Pursuant to Stipulation, the Court ORDERS all proceedings in this action be stayed pending transfer to the Levaquin MDL.

Dated: August \_\_\_\_, 2008

\_\_\_\_\_  
United States District Court Judge